

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 26, 2000

DIVISION ONE

B142473 Marina Emergency Medical Group et al. (Certified for Publication)
v.
Superior Court, Los Angeles County
(Charno, r.p.i.)

The petition is granted, and a writ will issue to command the trial court to vacate the order under review. Dr. Westerband is awarded her costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B136651 Craig (Certified for Publication)
v.
Brown & Root, Inc., et al.

The judgment is affirmed. Brown & Root is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

October 26, 2000-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B140413 People (Not for Publication)
v.
Moreno

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B136912 People (Not for Publication)
v.
Chisolm

The judgment (order) is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B136233 People (Not for Publication)
v.
Coleman

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B141775 Assia (Not for Publication)
v.
Washington Mutual Bank

The order is affirmed. The Bank is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

DIVISION ONE (Continued)

B138804 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Darla B., et al.

The December 6, 1999, order is reversed, and the cause is remanded to the dependency court with directions to issue new warrants for Patrick's arrest and Jean's return, to set the matter for periodic review hearings as required by law, and to take such further action as is appropriate to secure Jean's return.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J. and G. Villanueva, Deputy Clerk.

Each of the following:

B140304 People v. Bohannon
B136316 People v. Davis
B133407 People v. Harris
B135173 People v. Hodges
B137519 People v. Moore
B136263 People v. Castaneda
B127320 People v. Barnes
B133279 People v. Body & Smith
B123055 People v. DeLarge
B136036 Salmon v. Salmon
B137832 People v. Abraham T.
B140049 People v. Williams
B134103 In the Matter of Sylvia F.
B139888 In re Quincy H.
B140263 In re Alyssa N.

DIVISION TWO (Continued)

Each of the following (continued):

B136815 In the Matter of Olympia M.
B136941 People v. Wright
B139819 In the Matter of Mikequeleta W.
B134454 People v. Rogers
B143395 Joe B. v. Superior Court L.A.
B133990 People v. Isaac
B138685 People v. Whithurst
B134583 People v. Grinstead
B136950 People v. Young
B136500 People v. Young
B132962 People v. Orozco

Argument waived, cause submitted.

B137504 People
 v.
 Mosquera

Merits:

Argued by Alan Fenster for appellant and by Juliet Swoboda, deputy attorney general, for respondent. Cause submitted.

B136246 People
 v.
 Orr

Merits:

Argued by Alex Ricciardulli, deputy public defender, for respondent and by Dirk Hudson, deputy district attorney, for appellant. Cause submitted.

B130491 People
 v.
 Kabadaian

Merits:

Argued by Mark Geragos for appellant and by Richard Cullather, deputy attorney general, for respondent. Cause submitted.

DIVISION TWO (Continued)

B134732 People
 v.
 Kabadaian

Merits:

Argued by Mark Geragos for appellant and by Robert Breton, deputy attorney general, for respondent. Cause submitted.

B132381 Bruins
 v.
 Toys R US

Merits:

Argued by Cyndi Dalton for respondent. Appellant waived oral argument. Cause submitted.

B131132 One Tracenter Corporation
 v.
 Commercial Development International

Merits:

Argued by John Daum for appellant and by J. Russell Tyler, Jr. for respondent. Cause submitted.

B118003 Sedano
 v.
 Chew

Merits:

Argued by Levi Uku for appellant and by Steven Skolnik for respondent. Submission deferred for 10 days then matter to stand submitted.

DIVISION TWO (Continued)

B135474 A/R Capital
 v.
 J.R. Olsen Bonds
 Insurance West Corporation

Merits:

Argued by David Hinshaw for appellant and respondent A/R Capital, by Susan Handelman for respondent and appellant J.R. Olsen Bonds and by Elizabeth Kendrick for respondent Insurance West Corporation. Cause submitted.

Nott, J. leaves the bench.

B129811 Arrow Electronics, Inc.
 v.
 Fairchild Industries

Merits:

Argued by Gary Scalabrini for appellant and by C. Forrest Bannan for respondent. Cause submitted.

B133556 Bendorf
 v.
 Isocor et al.

Merits:

Argued by Marie Holweger for appellant and by Marcus Torrano for respondent. Cause submitted.

Court recessed.

DIVISION TWO (Continued)

Court reconvened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J. and G. Villanueva, Deputy Clerk.

B139221 People
 v.
 O'Mullen

Merits:

Argued by William Burtz, Jr. for appellant and by Michael Keller, deputy attorney general, for respondent. Cause submitted.

B138252 Simpson
 v.
 City of Los Angeles

Merits:

Argued by Diane Marchant for appellant and by Bruce Monroe, deputy city attorney, for respondent. Cause submitted.

B138079 City of Los Angeles
 v.
 S.C.L.A.
 Ward

Merits:

Argued by Janis Levart Barquist for petitioner and by Patrick McNicholas for real party in interest. Cause submitted.

B139752 People
 v.
 Solis

Merits:

Argued by Leslie Zador for appellant and by Steven Mercer, deputy attorney general, for respondent. Cause submitted.

DIVISION TWO (Continued)

B137244 Canyon Country Enterprises, Inc.
v.
C.A. Rasmussen

Merits:
Argued by Eric Amador for respondent and by Andrea Gauthier for appellant. Cause submitted.

B142787 Inter Valley Health
v.
S.C.L.A.
(Covington, r.p.i.)

Merits:
Argued by Dawn Cushman for petitioner and by Richard Love for real party in interest. Cause submitted.

B139013 Los Angeles County, D.C.F.S.
v.
Joan M.

Merits:
Argued by Stephanie Jo Farrell, deputy county counsel, for respondent and by Tyna Thall Orren for appellant. Cause submitted.

B143137 Liberty Mutual Insurance Company
v.
S.C.L.A.
(Claiff, r.p.i.)

Merits:
Argued by Elise Klein for petitioner and by Jerry Kaplan for real party in interest. Cause submitted.

Nott, J. leaves the bench.

DIVISION TWO (Continued)

B133625 Roman
 v.
 County of Los Angeles

Merits:

Argued by Duane Folke for appellant and by Martin Stein for respondent.
Cause submitted.

B141734 Rene G.
 v.
 Superior Court, Los Angeles County
 (The People, r.p.i.)

Merits:

Argued by Bruce Margolin for petitioner and by Roberta Schwartz for real
party in interest. Cause submitted.

Court Adjourned.

B137819 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Moises S.

The judgment (order) terminating the parental rights of father Moises S., as to Elizabeth S. and Christina S. only, is reversed. The juvenile court is directed to vacate its orders terminating family reunification services, terminating visitation and setting the matter for a section 366.26 hearing as to Moises S. and those two children. On remand the juvenile court shall set a section 366.22 hearing and shall consider a section 352 motion for continuance of services beyond the statutory time.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION TWO (Continued)

B133725 Sam Junior Wells (Not for Publication)

v.

Superior Court, Los Angeles County
(The People, r.p.i.)

The opinion dated April 27, 2000 is vacated. The petition for writ of
mandate is denied.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B122826 Kramer (Not for Publication)

v.

Fractor et al.

The judgment is affirmed.

Cooper, J.

I concur: Nott, Acting P.J.
I dissent: Mallano, J. (Assigned) (Opinion)

B130439 People (Not for Publication)

v.

Hebert

The judgment is reversed as to the staying of the enhancements under
former Penal Code section 667.5, subdivision (b). The matter is remanded
to the trial court with directions either to impose those enhancements or to
state in the minutes its reasons for permanently staying (i.e., striking) them.
In all other respects, the judgment is affirmed.

Cooper, J.

I concur: Boren, P.J.
I concur and dissent: Nott, J.

DIVISION TWO (Continued)

B131341 Maciel, Jr. (Not for Publication)
v.
Garcia

The order of the trial court granting primary physical custody of the minor child to appellant is reversed and we remand to the trial court for further proceedings in accordance with this opinion. Each side shall bear its own costs on appeal.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION FOUR

B139517 Los Angeles County, D.C.F.S. (Certified for Publication)
v.
Cheryl D.

The orders are reversed and the cause remanded for further proceedings.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B134720 Williams (Not for Publication)
v.
Betty Allen, as Trustee, etc.

The order appealed from is reversed. Respondent shall bear costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B133384 Lazarus (Not for Publication)
v.
City of Los Angeles et al.

The appeal from the order denying disqualification of the trial judge is dismissed. Otherwise, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B135846 Petrie (Not for Publication)
v.
Petrie

The order appealed from is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B122206 Ira Rosenberg, as Executor, etc. (Not for Publication)
v.
Allied-Signal Aerospace, Inc.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

October 26, 2000-Continued

DIVISION FOUR (Continued)

B136845 People (Not for Publication)
v.
Daniel W. Hornblower

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B135304 People (Not for Publication)
v.
Kevin Broadnax

The judgment of conviction is affirmed and the matter is remanded for resentencing in accordance with the views expressed in this opinion.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B132907 People (Not for Publication)
v.
Miguel Cuardo Ruiz

The order striking the serious felony prior conviction for the purpose of sentencing is reversed. The sentence is vacated, and the matter is remanded for resentencing in accordance with the views expressed in this opinion.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B138699 People (Not for Publication)
v.
Rafael Flores

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B142904 Finesse G. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services et al.,
r.p.i.)

The petition for writ of mandate is denied.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B129379 People (Not for Publication)
v.
Ronald Dave Renteria

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B131573 People (Not for Publication)
v.
Phillip Lamont White

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

DIVISION SEVEN

B133614 Kotlar
v.
Hartford Fire Insurance Company

Filed order denying petition for rehearing.

B137634 Borun
v.
Powell

Filed order denying petition for rehearing.